

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

IN RE AMENDED MOTION FOR
DECLARATORY JUDGMENT OF A FIRST
AMENDMENT RIGHT TO PUBLISH
AGGREGATE INFORMATION ABOUT
FISA ORDERS

Docket No. Misc. 13-03

IN RE MOTION TO DISCLOSE AGGREGATE DATA REGARDING FISA ORDERS

Docket No. Misc. 13-04

IN RE MOTION FOR DECLARATORY
JUDGMENT TO DISCLOSE AGGREGATE
DATA REGARDING FISA ORDERS
AND DIRECTIVES

Docket No. Misc. 13-05

IN RE MOTION FOR DECLARATORY JUDGMENT TO DISCLOSE AGGREGATE DATA REGARDING FISA ORDERS AND DIRECTIVES

Docket No. Misc. 13-06

ORDER

On September 9, 2013, Google, Inc. and Microsoft Corporation filed amended motions for declaratory judgment regarding their right to publish aggregate information about Foreign Intelligence Surveillance Act (FISA) orders in Docket Nos. Misc 13-03 and 13-04, respectively. On the same date, those providers, along with the Government, filed a joint motion for a proposed briefing schedule. Additionally, on September 9, 2013, Yahoo! Inc., and Facebook, Inc. filed motions for declaratory judgment to disclose aggregate data regarding FISA orders and directives in Docket Nos. Misc. 13-05 and 13-06, respectively. In their motions, Yahoo! Inc. and Facebook, Inc. requested that the Court set a briefing schedule and indicated a willingness to coordinate such schedules with the schedule entered in Docket Nos. Misc 13-03 and 13-04. Given the overlap in issues presented in these cases, the Court has decided to consolidate the briefing schedules.

Accordingly, it is hereby ORDERED that the Government's response to Microsoft Corporation's and Google Inc.'s amended motions for declaratory relief, and Yahoo! Inc.'s and Facebook, Inc.'s motions for declaratory relief, shall be submitted no later than 5:00 p.m. on September 30, 2013. The Government shall file a single response to the motions in all four of the above-captioned cases. Microsoft Corporation, Google, Inc., Yahoo! Inc., and Facebook, Inc. may file a reply brief no later than 5:00 p.m. on October 21, 2013, through the Security and Emergency Planning Staff, U.S. Department of Justice. Given the substantial similarity in the relief sought and legal arguments presented in these cases, Microsoft Corporation, Google, Inc., Yahoo! Inc., and Facebook, Inc. shall coordinate their efforts and jointly file a single reply brief.

SO ORDERED, this 30 day of September, 2013.



REGGIE B. WALTON

Judge, United States Foreign
Intelligence Surveillance Court